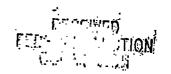


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## **FEDERAL ELECTION COMMISSION** Washington, DC 20463

CELA

## **MEMORANDUM**

TO:

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The Commission

FROM:

Kathleen Guith

Acting Associate General Counsel for Enforcement

BY:

Stephen Gura

Deputy Associate General Counsel for Enforcement

Mark Shonkwiler

Assistant General Counsel

Kimberly D. Hart

Attorney

**SUBJECT:** 

MUR 7027 (MV Transportation, et al.) Pre-Probable Cause

Conciliation with MV Transportation, Inc. and R. Carter Pate

Attached are separate proposed agreements negotiated with *sua sponte* submitters MV Transportation ("MV") and its former Chief Executive Officer, R. Carter Pate ("Pate") that resolve self-reported violations of the Federal Election Campaign Act of 1971, as amended ("Act") and Commission regulations stemming from MV's use of corporate funds to reimburse Pate for six federal contributions totaling \$43,100. Attachs. 1 and 2. We recommend the Commission accept the negotiated agreements as appropriate resolutions as to MV and Pate.<sup>1</sup>

We could not reach agreement with the respondent who was not a party to the *sua sponte* submission, former MV Chief Financial Officer Brad Cornelsen. Cornelsen, who is proceeding *pro se*, was terminated from MV and is awaiting criminal trial on embezzlement charges, which is scheduled for October 24, 2016. Because of the ongoing criminal proceedings, Cornelsen would not sign a conciliation agreement that contained a statement that he violated the law, nor would he toll the statute of limitations. We recently informed Cornelsen that we are ending conciliation and moving on to the next stage of the enforcement process. As explained in a separate information memorandum, we intend to send Cornelsen a brief recommending that the Commission make probable cause to believe findings against him.

MUR 7027 (MV/Carter Pate) Pre-Probable Cause Conciliation Memorandum Page 2 of 5 MUR 7027 (MV/Carter Pate) Pre-Probable Cause Conciliation Memorandum Page 3 of 5

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MUR 7027 (MV/Carter Pate) Pre-Probable Cause Conciliation Memorandum Page 5 of 5

## III. RECOMMENDATIONS:

- 1. Accept the attached conciliation agreement with MV Transportation.
- 2. Accept the attached conciliation agreement with R. Carter Pate.
- 3. Approve the appropriate letters.
- 4. Close the file as to MV Transportation, Inc. and R. Carter Pate.